

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3

4 STANDING ORDER RE: SETTLEMENT CONFERENCE PROCEDURES  
5 FOR CASES REFERRED TO MAGISTRATE JUDGE MARIA-ELENA JAMES  
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7 IN ALL CASES referred to Magistrate Judge Maria-Elena James for a settlement conference,  
8 the parties shall follow the following procedures:

9 SETTLEMENT CONFERENCE PROCEDURES.

10 Prior to filing a settlement conference statement, counsel shall discuss all settlement positions  
11 with their clients.

12 Settlement conferences take place in Judge James' chambers, located at the Federal Building,  
13 450 Golden Gate Avenue, 15th Floor, San Francisco, California 94102. On the date of the settlement  
14 conference, counsel and parties shall use the court telephone next to the door to chambers to notify the  
15 Court of their arrival.

16 THE SETTLEMENT CONFERENCE STATEMENT.

17 SUBMISSION: Not later than seven (7) calendar days prior to the settlement conference, the  
18 Court shall receive from each party a Settlement Conference Statement addressed to Magistrate Judge  
19 James DIRECTLY to the United States District Court Clerk's Office in San Francisco, located at 450  
20 Golden Gate Avenue, 16th Floor, P.O. Box 36060, San Francisco, California 94102. Settlement  
21 Conference Statements should be submitted in a sealed envelope. Envelopes should be prominently  
22 marked CONFIDENTIAL - SETTLEMENT CONFERENCE STATEMENT - DO NOT FILE.

23 Settlement Conference Statements **shall not be filed with the Clerk of the Court, and**  
24 **shall not be served upon other parties or their counsel. Only the Court and its personnel shall**  
25 **have access to these statements. Under no conditions shall other parties or counsel have**  
26 **access to these statements.**

27 CONTENT: The form and content of the Settlement Conference Statement will vary  
28 depending on the case. Generally, the Settlement Conference Statement shall include the following:

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1. Statement of Facts. A brief description of the facts giving rise to the case.
2. Summary of Proceedings. A brief summary of the proceedings to date.
3. Undisputed Matters. A plain and concise statement of all material facts not in dispute,  
including a statement of disputed matters which have been resolved by stipulation.
4. Disputed Issues of Fact. A plain and concise statement of the material facts that remain in  
dispute.
5. Disputed Issues of Law. A brief statement of the disputed points of law, including reference  
to specific statutes and decisions relied upon. Extended legal argument is not appropriate. Reference  
may be made to Points and Authorities previously filed.
6. Relief Sought. A statement of the relief sought, including a particularized itemization of all  
elements of damages.
7. Costs. A brief statement of approximate litigation costs to date, and an itemized breakdown  
of the estimated cost and time projected for further discovery, pretrial proceedings, and trial.
8. Prior Settlement Discussions. A chronological summary of prior settlement activity between  
the parties including settlement offers and responses thereto.
9. Settlement Analysis. A brief and forthright evaluation of the strengths and weaknesses of  
your case and the probabilities of prevailing on the major issues in dispute.
10. Discrete Issues. Identify and, if appropriate, prioritize any discrete issues which, if  
resolved, would aid in the disposition of the case.
11. Current Settlement Position. Set forth a reasonable proposal of settlement.

THE SETTLEMENT CONFERENCE.

**All parties and their counsel of record are required to attend the settlement conference.** Each party must attend the conference having full authority to negotiate and settle the case. If a party is indemnified by a non-party indemnitor, including but not limited to, indemnification pursuant to an insurance policy, the indemnitor, and the indemnitor's counsel, if necessary, must also attend the conference and have authority to settle the case.

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Counsel who attends the settlement conference without the full authority to settle may be subject to sanctions, pursuant to Federal Rule of Civil Procedure 16(f).

Only upon written showing of good cause, submitted at least fourteen calendar days prior to the settlement conference, will the Court excuse a party or Counsel from mandatory attendance of the settlement conference. Parties or Counsel may only be excused from attending the settlement conference upon written authorization from Judge James. Parties or Counsel who fail to attend the settlement conference without authorization from Judge James may be subject to sanctions, pursuant to Federal Rule of Civil Procedure 16(f).

In rare circumstances, upon written showing of good cause, submitted at least fourteen calendar days prior to the settlement conference, Judge James may authorize a party or Counsel to be available by telephone for purposes of authorizing settlement ONLY.

Counsel is responsible for notifying their clients of the settlement conference's time, date, and all rescheduling of the settlement conference.

**To reschedule a settlement conference, counsel shall contact the Deputy Clerk at (415) 522-4708 to obtain a new date and time, no later than seven court days prior to the scheduled settlement conference. Counsel shall confirm the new date and time with opposing counsel. Thereafter, counsel shall file a joint stipulation which states that the settlement conference is rescheduled and sets forth the new time and date of the settlement conference. The Court will not reschedule a settlement conference upon unilateral request of counsel and the settlement conference will remain on calendar for the originally noticed time and date until the Court receives said joint stipulation. Counsel who fails to coordinate the rescheduling of the settlement conference with opposing party, or fails to file said joint stipulation at least three Court days prior to the scheduled settlement conference may be subject to sanctions, pursuant to Federal Rule of Civil Procedure 16(f).**

If the case is settled in advance of the settlement conference, the parties MUST notify

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Judge James' Deputy Clerk, by telephone and in writing, as soon as possible. Failure to do so may  
subject the parties to sanctions, pursuant to Federal Rule of Civil Procedure 16(f).

IT IS SO ORDERED.

Date: May 1, 2001

/s/ Maria-Elena James  
MARIA-ELENA JAMES  
United States Magistrate Judge